

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CONCERNED PASTORS FOR SOCIAL  
ACTION, MELISSA MAYS, AMERICAN  
CIVIL LIBERTIES UNION OF MICHIGAN,  
and NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

Plaintiffs,

v.

Case Number 16-10277  
Honorable David M. Lawson

NICK A. KHOURI, FREDERICK HEADEN,  
MICHAEL A. TOWNSEND, JOEL  
FERGUSON, MICHAEL A. FINNEY,  
SYLVESTER JONES, R. STEVEN BRANCH,  
and CITY OF FLINT,

Defendants.

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**ORDER AMENDING SETTLEMENT AGREEMENT**

Based on the stipulation of the parties [dkt. #171],

It is **ORDERED** that Paragraph 15 of the parties' settlement agreement [dkt. #147-1] is  
**AMENDED** as follows:

15. *Efforts to obtain permission for replacement at eligible households.* The City shall undertake reasonable efforts to contact property owners of properties upon which replacement eligible households are located to obtain permission to replace the portions of service lines that lie beneath private property. To the extent that the resident of a replacement eligible household is a different person from the property owner, and if access to the household is necessary to conduct excavation or replacement, then the City shall also undertake reasonable efforts to contact the resident to obtain permission to replace the service line.

a. For purposes of Paragraph 15, reasonable efforts shall include (i) at least two in-person attempts to contact the resident or property owner at the address of the replacement eligible household, with at least one of the two attempts to be made during the evening (after 5 p.m.) or on a weekend (Saturday or Sunday); and (ii) for those replacement eligible households at which in-person attempts to obtain permission are unsuccessful, sending at least one written request to replace the service line, by U.S. mail, to the address of the replacement eligible household. If the address of the replacement eligible household differs from the address of the property owner (as identified through city records), the City also will (iii) send at least one written request, by U.S. mail, to the property owner's address requesting permission to replace the service line at the address of the replacement eligible household.

b. For each in-person attempt in Paragraph 15(a)(i) where the City is unable to make personal contact with a resident or property owner, the City shall leave a door hanger at the household. The door hangers shall include, at a minimum, information on how the resident can provide permission to the City for service line replacement; that the service line will be replaced at no cost to the property owner or resident; and that the resident needs an active water account but does not need to be up-to-date on all water bill payments to qualify for service line replacement. A copy of the door hanger is attached as Exhibit K. For each in-person attempt in Paragraph 15(a)(i) where the City is unable to make personal contact with a resident or property owner, the City shall keep records that show the date and time of the attempt.

c. For each written attempt in Paragraphs 15(a)(ii) and 15(a)(iii), the City shall keep records that show the dates on which such written requests were sent, the address of the replacement eligible household, and the address of the property owner of such household (if

different). The written requests will include, at a minimum, information on how the property owner can provide permission to the City for service line replacement; that the service line will be replaced at no cost to the property owner; and that the resident needs an active water account but does not need to be up-to-date on all water bill payments to qualify for service line replacement. The written request shall also include language stating that if the property owner or resident declines replacement within 30 days from the date of the request or does not respond to the request within 30 days from the date of the request, he or she will have four months from the date of the request to grant the City permission to replace the portion of the service line lying beneath his or her property.

d. A property owner who refuses permission to replace the portion of the service line lying beneath his or her property prior to the date on which the written request(s) provided for in Paragraphs 15(a)(ii) and 15(a)(iii) are sent to his or her address shall have three months from the date he or she initially declines replacement to grant the City permission to replace the portion of the service line lying beneath his or her property. A property owner who refuses permission to replace the portion of the service line lying beneath his or her property within 30 days after the date of the written request provided for in Paragraphs 15(a)(ii) and 15(a)(iii) is sent to his or her address, or who does not respond to such written request within 30 days from the date of the request, shall have four months from the date of the written request to grant the City permission to replace the portion of the service line lying beneath his or her property. To ensure that there is sufficient time to replace the service lines of property owners and residents whose permission is sought in the last year of the three-year period set forth in Paragraph 20, the City shall contact the property owners and residents at all replacement eligible households as described in Paragraphs 15(a)-(c) to seek

permission to conduct excavation and replacement within 18 months of the Effective Date or prior to the Year Three Cutoff Date, whichever is later.

It is further **ORDERED** that all other provisions in the settlement agreement remain in full force and effect.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: July 19, 2018

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 19, 2018.

s/Susan Pinkowski  
SUSAN PINKOWSKI